

**REMARKS**

Claims 1-35 are pending in the present application. Claims 1, 8-11, 13, 19-23, 25 and 32 have been amended and claims 33-35 have been added. Claims 1, 13 and 25 are independent. Reconsideration of this application, as amended, is respectfully requested.

**Rejection Under 35 U.S.C. § 112, Second Paragraph**

Claim 32 stands rejected under 35 U.S.C. § 112, second paragraph, as failing to particularly point out and distinctly claim the subject matter that applicants regard as the invention. This rejection is respectfully traversed.

As the Examiner will note, claim 32 has been amended to provide antecedent basis for the recitation “an edge of the first ... joining plate.”

In view of the above amendments and remarks, Applicants respectfully submit that claim 32 is definite and clear. Reconsideration and withdrawal of the Examiner’s rejection under 35 U.S.C. § 112, second paragraph, are therefore respectfully requested.

**Rejections Under 35 U.S.C. §§ 102 and 103**

Claims 1-[5], 7, 12-[17], 19 and 24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Wippermann, U.S. Patent No. 3,474,578. Claims 6, 18 and 25-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wipperman. Claims 8-11 and 20-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wippermann in view of Applicant’s Admitted Prior Art Figure 7C (AAPA). These rejections are respectfully traversed.

At the outset, it is noted that the Examiner’s statement of rejection under 35 U.S.C. § 102(b) does not mention claims 5 and 17. However, the body of the Examiner’s rejection specifically refers to these claims. Therefore, it is believed that the Examiner intended to reject

claims 5 and 17 under 35 U.S.C. § 102(b) in view of the Wippermann reference; however, confirmation of this fact is requested.

In any event, the present invention is directed to a joint structure, a building and a method of assembling or reinforcing a building.

Independent claims 1 and 13 are directed to the joint structure and the building, respectively. Independent claim 25 is directed to the method. Each of independent claims 1, 13 and 25 recites a combination of elements or steps including the recitation “wherein none of the plurality of splice plates cross the first and second vertical edges of the gusset plate.”

Applicants respectfully submit that the Wippermann reference relied on by the Examiner fails to teach or suggest the present invention as recited in independent claims 1, 13 and 25.

Referring to Figures 1 and 2 of Wippermann, as identified by the Examiner, Wippermann discloses a gusset plate (34 or 39) and a plurality of splice plates (angular members 14). However, the angular members 14 cross the right vertical edge of the upright member 34 and the left vertical edge of the member 39. Referring to Figure 6A of the present invention; however, the plurality of splice plates cross the end edge 30 and not the right vertical edge of the gusset plate.

It is noted that the angular members 12 of Wippermann could also be considered to correspond to the recitation “a plurality of splice plates” as recited in independent claims 1, 13 and 25. However, this does not change the fact that the angular members 14 cross the vertical edge of the gusset plate. Therefore, Wippermann fails to disclose that “none of the plurality of splice plates cross the first and second vertical edges of the gusset plate” as recited in independent claims 1, 13 and 25 of the present invention.

With regard to dependent claims 2-12, 14-24 and 26-32, Applicants respectfully submit that these claims are allowable due their respective dependence upon independent claims 1, 13 and 25, as well as due to the additional recitations in these claims.

In view of the above amendments and remarks, Applicants respectfully submit that claims 1-32 clearly define the present invention over the references relied on by the Examiner. Accordingly, reconsideration and withdrawal of the Examiner's rejections under 35 U.S.C. §§ 102 and 103 are respectfully requested.

### **Additional Claims 33-35**

Additional claims 33-35 have also been added for the Examiner's consideration. These claims recite that the plurality of splice plates cross the end edge of the gusset plate. In Wippermann, although the angular members 12 seem to cross the end edge of the upright member 34, the angular members 14 do not. Therefore, "said plurality of splice plates" do not cross the end edge of the gusset plate as in additional claims 33-35.

Favorable consideration and allowance of additional claims 33-35 are respectfully requested.

### **CONCLUSION**

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but merely to show the state-of-the-art, no further comments are deemed necessary with respect thereto.

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Paul C. Lewis, Registration No. 43,368 at (703) 205-8000 in the Washington, D.C. area.

Application No. 10/829,275  
Reply Under 37 C.F.R. § 1.11 dated September 10, 2009  
Reply to Office Action dated June 10, 2009

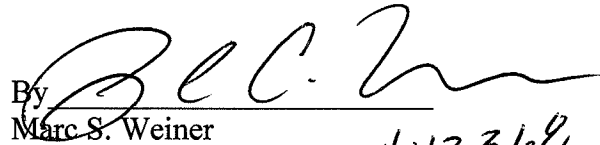
Docket No.: 1551-0155PUS1

Page **12 of 12**

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: **September 10, 2009**

Respectfully submitted,

By   
Marc S. Weiner

Registration No.: 32,181

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant

56✓

#43,368